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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/815,168	03/11/1997	MICHAEL J. FREEMAN	5038	5518

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EXAMINER

TRAN, HAI V

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 07/29/2003

39

Please find below and/or attached an Office communication concerning this application or proceeding.

Qn

# Office Action Summary

Application No.

08/815,168

Applicant(s)

FREEMAN ET AL.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-240 is/are pending in the application.
- 4a) Of the above claim(s) 1-38 and 44-227 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-43 and 228-240 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 35,37,38.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers filed on 01/22/2003 regarding typographical error of the priority date claimed in filling paper dated 19 April 2002 entitled "Fourth Amendment and Response to Office Action" is recorded. Thus, the priority date "25 November 1991" claimed by Applicant is recorded.

### ***Response to Arguments***

Applicant's arguments with respect to claim 39-43 and 228-235 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 39-43 and 228-240 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 5068733) in view of Kassatly (US 4975771).

Regarding claim 39, Bennett discloses a method for providing live interactive (viewer selection) programming comprising (Abstract):

Obtaining a plurality of video signals from a plurality of camera angles wherein at least one of the pluralities of camera angles provide a differentiable view

of a live event and wherein the plurality of video signals relate in real time and content (Col. 1, lines 59-69).

Multiplexing the plurality of video signals into a combined program stream (Fig. 1 A, element 85; Col. 2, lines 27-35).

Transmitting the combined program stream (Fig. 1A, elements 85 and 87; Col. 2, lines 32-34).

Receiving the combined program stream at the receiver (Fig. 1B, elements 89; Col. 2, line 35).

Demultiplexing the plurality of video signals (Fig. 1B, element 91; Col. 2, lines 35-40).

Selecting a first of the pluralities of video signals and displaying the first selected video signal on a display device (Col. 1, lines 69-Col. 2, lines 16 and lines 46-55).

Selecting a second of the plurality of video signals in response to user selection; and displaying the second selected video signal on the display device (Col. 1, lines 69-Col. 2, lines 16 and lines 46-55).

Bennett does not clearly disclose the provided live interactive wherein the video signals received is digitally programming, digitally compressing, digitally multiplexing at the transmitter site and digitally demultiplexing and digitally decompressing at the receiver site.

Kassatly discloses a plurality of video sources received (Fig. 1, elements 16, 18 and 20) are digitally compressing (Fig. 1, elements 17, 19, 21), multiplexing at the

Art Unit: 2611

transmitter site (Fig. 1, element25) and digitally demultiplexing (Fig. 1, element30) and decompressing (Fig. 1, element 60) at the receiver site (Col. 3, lines 56-Col. 4, lines 53) wherein the plurality of video signals relate in real time and content (Col. 4, lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bennett to have video signals received from plurality of cameras to be digitally compressing, multiplexing at the transmitter site and digitally demultiplexing and decompressing the received video streams at the receiver site, as taught by Kassatly, so to increase channel availability and for rendering the channel allocation process more efficient (Col. 2, lines 20-23).

Regarding claims 40-43, Bennett discloses the combined video signal could be transmitted over a microwave transmission system and cable distribution system (Col. 2, lines 33-35) and Kassatly further discloses wherein the combined digital program stream is transmitted over a broadcast transmission system, satellite network (Col. 1, lines 13-16; Col. 6, lines 45-65) and private network (Col. 8, lines 2-25).

Bennett and Kassatly do not specifically discloses the combined digital stream is transmitted over a telephony network.

Official Notice is taken that the use of a telephony network is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bennett in view of Kassatly to use a telephony network for transmission of program sources so to make possible of the transmission and reception of television signals from distant cities, thus enabling a

Art Unit: 2611

viewer to watch more than just those stations which can be received locally by conventional means.

Regarding claims 228, with regard the limitations of digitally compressing, digitally multiplexing, digitally decompressing and digitally demultiplexing of audio signal and video signal, it is analyzed with respect to claim 39. Bennett further discloses

Producing an audio signal corresponding to the live event (Col. 2, lines 3-4 and lines 22-25) so the user could select corresponding audio signal corresponding to the video signal/scene.

Regarding claim 229, Kassatly further discloses the combined digital stream within a single channel bandwidth (Col. 4, lines 5-8).

Regarding claim 230, regarding "at least one of the plurality of video signals comprises a graphic image signal" is inherent in Bennett and Kassatly .

Regarding claims 231-33, Bennett discloses wherein the step of displaying an interrogatory to a viewer (direct participation in the broadcasting process; Col. 3, lines 5-11); selecting is performed in response to input by viewer (Col. 1, lines 69-Col. 2, lines 2), and displaying information to a viewer regarding video signal selection option (it will be possible to choose various cameras while maintaining program audio; Col. 2, lines 58-60).

Regarding claims 234 and 235, Bennett further discloses wherein the live event comprises a sporting (athletic) event and a game show (circuit) (Col. 1, lines 25-30).

Regarding claim 236, Kassatly further discloses wherein the step of selecting the second of the plurality of video signals is performed without switching to a different channel bandwidth (Col. 4, lines 59-Col. 5, lines 13).

Regarding claim 237, Kassatly further discloses wherein the combined digital program stream is of a greater capacity than a single channel bandwidth and the step of transmitting further comprises transmitting the digital program stream over a first channel bandwidth and a second channel bandwidth (Col. 4, lines 1-8).

Regarding claim 238, Bennett (Col. 1, lines 69-Col. 2, lines 16 and lines 46-55) and Kassatly (Fig. 1, 2; Col. 4, lines 25-47) further disclose wherein the step of selecting a first selected video signal further comprises accessing the first selected video signal from the first channel bandwidth and the step of selecting a second selected video signal further comprises accessing the second selected video signal from the second channel bandwidth.

Regarding claim 239, as to limitation "A method for providing live interactive digital programming comprising: receiving a combined digital program stream..." is analyzed with respect to claim 39.

Regarding claim 240, as to limitation "A method for providing live interactive digital programming comprising: obtaining a plurality of video signals from a plurality of camera angles....." is analyzed with respect to claim 39.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**Contact Fax Information**

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or Faxed to:**(703) 872-9314

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

**Contact Information**



Art Unit: 2611

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.



ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

HT:ht  
July 15, 2003